

REMARKS

In the Office Action of November 13, 2007, the Examiner requested that Applicants elect one of the following inventions:

- Group I: claims 1-6 and 9-10, drawn to a medicament and microparticle comprising a bead consisting essentially of a three dimensionally cross-linked carbohydrate having a plant pollen derived allergen covalently bound thereto;
- Group II: claims 11-12, drawn to a diagnostic test system comprising administering microparticles comprising a bead consisting essentially of a three dimensionally cross-linked carbohydrate having a plant pollen derived allergen covalently bound thereto and then measuring the cell mediators released in response thereto; and
- Group III: claims 13-14, drawn to a method of vaccinating a subject comprising administering an effective amount of a microparticle comprising a bead consisting essentially of a three dimensionally cross-linked carbohydrate having a plant pollen derived allergen covalently bound thereto.

According to the Examiner, the inventions of Groups I - III do not relate to a single general inventive concept because they lack the same or corresponding special technical features. In particular, the Examiner alleges that the features shared by claims 1-6 and 9-14 (i.e., the features of claim 1) are disclosed by King et al. and Nordvall et al., each of which teaches a microparticle comprising (a) a bead consisting essentially of a three dimensionally cross-linked carbohydrate (e.g., a Sepharose bead) and (b) a plant pollen derived allergen covalently bound to the bead (e.g., grass pollen). The Examiner thus concludes that since the inventions do not contribute a special technical feature when viewed over the prior art, they do not have a single general inventive concept and so lack unity of invention.

As noted above, Applicants provisionally elect **with traverse** the invention of Group I, claims 1-6, 9, and 10. However, Applicants respectfully request reconsideration of the restriction requirement on the grounds that examination of the entirety of the claims would not constitute an undue burden.

Public policy dictates that if the search and examination of all the claims in a patent application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to more than one independent invention. In this case, claims 11-14 depend from and thus require all the particulars of claim 1. Accordingly, the search required for the elected microparticle of Group I overlaps with, and indeed is central to, the search required for the non-elected methods of Groups II and III. Thus, Applicants submit that it would not be an undue burden for the Examiner to consider claims 11-14 together in the present application. Accordingly, Applicants respectfully request that the Examiner reconsider the Restriction Requirement and specifically reconsider examining non-elected claims 11-14 with the elected invention of Group I.

CONCLUSION

The outstanding Office Action set a one-month shortened statutory period for response, response being due on or before **December 13, 2007**. Thus, Applicants respectfully submit that this response is timely and no fee is required. However, in the event that further fees are required to enter the instant response and/or maintain the pendency of the instant application, the Commissioner is authorized to charge such fees to the undersigned's Deposit Account No. 50-2101.

If the Examiner has any questions or concerns regarding this communication, she is invited to contact the undersigned.

Respectfully submitted,

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